

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

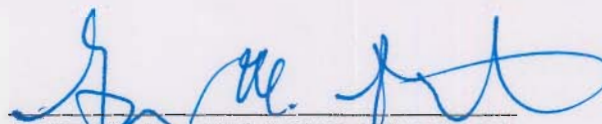
VENTANA MEDICAL SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1522 (GMS)
)	
DAKOCYTOMATION CALIFORNIA)	
INC.,)	
)	
Defendant.)	

ORDER CONSTRUING THE TERMS OF U.S. Patent No. 6,827,901

After considering the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that, as used in the asserted claims of U.S. Patent No. 6,827,901 (the “901 patent”),

1. The term “reagent agitation zone” is construed as “an area on the slide’s upper surface where reagents are added and mixed.”
2. The term “air mixer” is construed as “the device, including the air jet and the air supply means, that is positioned adjacent to the reagent agitation zone for mixing reagents.”
3. The term “air jet” is construed as “a stream of air.”
4. The term “air supply means” is construed as “a device for supplying air, comprising the nozzle.”
5. The term “adjacent” is construed as “next to, but not above or beneath.”

Dated: December 13, 2005


UNITED STATES DISTRICT JUDGE